

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GARY RHINES, :  
Plaintiff :  
: CIVIL NO. 3:12-CV-1601  
v. :  
: (JUDGE NEALON)  
UNITED STATES OF AMERICA, : (MAGISTRATE JUDGE CARLSON)  
Defendant :  
:

**ORDER**

NOW, THIS 21<sup>st</sup> DAY OF JULY, 2014, for the reasons set forth in the Memorandum issued this date, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation, (Doc. 53), is **ADOPTED**;
2. Plaintiff's motion for summary judgment, (Doc. 50), is **DENIED without prejudice**;
3. Plaintiff's objections, (Doc. 55), are **OVERRULED**;
4. This matter is **REMANDED** to Magistrate Judge Carlson for further proceedings; and
5. Any appeal will be deemed frivolous, without probable cause, and not taken in good faith.

FILED  
SCRANTON  
JUL 21 2014  
PER \_\_\_\_\_  
DEPUTY CLERK

  
\_\_\_\_\_  
United States District Judge